STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING

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GENERAL PERMIT CATEGORIES IN THE STATE OF MICHIGAN

February 19, 2014

Issued Under Part 301, Inland Lakes and Streams; Part 303, Wetlands Protection; and Part 325, Great Lakes Submerged Lands, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended (NREPA)

BACKGROUND INFORMATION

PURPOSE

Part 301, Part 303, and Part 325 of the NREPA authorize the Department of Environmental Quality (DEQ), Water Resources Division (WRD), to define types of regulated activities that would be expected to cause no more than minimal impacts and that can, therefore, be reviewed through an expedited permit application process. This General Permit (GP) defines categories of activities that the WRD has determined to have minimal impacts and also defines the legal authority and limitations for use of this process. These categories do not alter or replace current exemptions, but provide a mechanism for expedited processing of certain activities that are not exempt.

The purpose of this GP is to allow the WRD to evaluate permit applications for many minor activities without the delay of public noticing or site inspecting specific projects. The objective of this GP is to reduce the time and cost of the permit process for applicants proposing minor activities and to reduce the costs of administering the program while protecting aquatic resources.

Please note that this GP does not define projects that will be authorized, but only those that may be considered for accelerated processing. Applications under this GP may be issued, modified, or denied. Authorization will be issued only if it is determined that the proposed activity is in accordance with the criteria and requirements of the NREPA.

GENERAL PERMIT PROCEDURES

A person seeking an authorization under this GP must submit a permit application on a form supplied by the WRD at www.michigan.gov/jointpermit. A preliminary determination of whether an application may be processed under this GP is made by WRD staff when the application is received. Applications processed under GP procedures are typically reviewed without issuance of a public notice. However, before authorizing a specific project to proceed under a general permit, the WRD may provide public notice but will not hold a public hearing and will not typically require a site inspection. The DEQ will provide written authorization for an approved project, or will otherwise notify the applicant in writing of the decision on the application.

If at any time in the review process, it is determined that an activity in a proposed project, although within a GP category, is likely to cause more than minimal adverse effects on the environment or aquatic resources, including high value aquatic habitats, the WRD may require the application be processed as an individual permit application. The processing as an individual permit application may require the applicant to provide additional information and an additional application fee.

REGULATORY AUTHORITY

Part 301 (Section 30105), Part 303 (Section 30312), and Part 325 (Section 32512) provide that the WRD, after notice and opportunity for a public hearing, may issue general permits on a statewide basis for a category of activities that are similar in nature, will cause only minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effects on the environment. A general permit cannot be valid for more than 5 years.

GENERAL CRITERIA FOR REVIEW

Part 301, Part 303, and Part 325 specify the criteria that must be met before an authorization may be issued. These general criteria, as well as the specific criteria detailed later in this GP, must be met before the WRD can issue an authorization under this GP.

Under Part 303, the WRD will issue an authorization under a GP if the requirements of the GP and the NREPA are met. However, in determining whether to issue an authorization under a general permit, the WRD shall not consider off-site alternatives to be feasible and prudent alternatives under Part 303. Compensatory wetland mitigation cannot be required as part of an authorization under this GP. Under Part 301 and Part 325, off-site alternatives can be considered. Compensatory mitigation can be provided under Part 301.

EXCLUSIONS

The types of activities described in this document can typically be processed under GP procedures. However, some activities will not qualify for this type of processing even if the listed criteria are met. Applications will not qualify for consideration under these categories if:

A) It is determined that the proposed project would constitute a "major discharge of dredged or fill materials" or meets other criteria subject to federal review as defined in the Memorandum of Agreement between the DEQ and the United States Environmental Protection Agency.

B) The activity is associated with sensitive natural resources including:

1. A federally designated wild and scenic river.
2. A state or federally designated wilderness or environmental area.
3. A federally designated marine sanctuary.
4. A state or federally listed or proposed threatened or endangered species (unless alternative procedures developed by the WRD are followed to coordinate with federal agencies, or the landowner has obtained a letter of no impact from the Department of Natural Resources [DNR]).
5. An identified historic or archeological area.
6. An identified recharge area for drinking water aquifers.
7. An identified rare or unique ecological type.

C) Sediment testing is required per DEQ procedures and testing results have not been provided by the applicant; OR Sediment testing results per WRD procedures show that the material contains hazardous substances in excess of inert standards under Part 115, Solid Waste Management, of the NREPA.

D) The WRD determines that a specific activity that would generally qualify under a GP category would, due to the proximity of other projects and the characteristics of the aquatic resources, cause more than minimal adverse environmental effects.

E) The project also requires a permit under Part 301; Part 303; Part 315, Dam Safety; or Part 325 of the NREPA but does not meet one of the GP or minor project (MP) categories under those parts.

F) The project also requires a permit under Part 323, Shorelands Protection and Management; or Part 353, Sand Dunes Protection and Management, of the NREPA.

NEED FOR OTHER PERMITS

An authorization under this GP does not remove the need for other applicable local, state, or federal permits.

EXPIRATION DATE

The categories in this GP modify and replace all existing GP categories under Part 301, Part 303, and Part 325 and shall expire on August 11, 2016, unless revoked or modified before that date.

Issued by: _____ Date: 2/19/14

William Creal, Chief
Water Resources Division
Department of Environmental Quality

INDEX OF GENERAL PERMIT CATEGORIES

GENERAL PERMIT CATEGORIES

The following activities are incorporated into this list of GP categories. The proposed activity must meet the specific criteria of a category in addition to the General Criteria, Exclusions, and General Conditions. Each category lists the statute(s) to which it applies.

A. Aids to Navigation

Category applies to:
- ☒ *Part 301, Inland Lakes and Streams*
- ☐ *Part 303, Wetlands Protection*
- ☒ *Part 325, Great Lakes Submerged Lands*

The placement of aids to navigation and regulatory markers that meets all of the following:

- The aids are approved by the United States Coast Guard, if applicable.
- The aids are approved under Part 801, Marine Safety, of the NREPA.
- Aids for navigation shall not be used for mooring.

B. Amateur Recreational Gold Prospecting

Category applies to:
- ☒ *Part 301, Inland Lakes and Streams*
- ☐ *Part 303, Wetlands Protection*
- ☐ *Part 325, Great Lakes Submerged Lands*

Amateur recreational gold prospecting with a hand-operated sluice box that is either:

1. Along select portions of streams on state-owned mineral and surface lands and meets all of the following:

    - This category does not include the following sensitive natural resource areas: state designated natural rivers, state designated natural areas, or state designated trout streams. Note: Applicants may apply for authorization under this category for stream segments highlighted in yellow on the Amateur Recreational Gold Prospecting layer on the Wetland Map Viewer found at www.mcgi.state.mi.us/wetlands/. The stream segments highlighted in yellow have been determined to avoid, to the extent practicable, adverse impact on state or federally listed threatened or endangered species. The applicant may request authorization under this category for up to 1 mile of identified stream segments.
    - Dredging or excavation shall only be done with a shovel in the stream bed and shall not disturb the banks of the stream.
    - The hand-operated sluice box used shall not be larger than 52 inches long, 12 inches wide, and 6.5 inches deep.
    - The use of a powered sluice box or any power operated dredge or equipment of any kind is not included in this category.
    - This category is not applicable in any area of a stream if native mussels are encountered while using a sluice box. The applicant must prospect in another authorized stream segment if native mussels are encountered.
    - Individual prospecting areas shall be 300 square feet or less per site with up to 4 sites per 1 mile of stream segments. No more than 1 sluice box per identified stream segments can be authorized.
    - Sluicing is only allowed between July 1 and August 31 from dawn until dusk.
    - Processing extractive chemicals shall not be used.
    - The removed material may not be temporarily or permanently placed in a wetland or floodplain. Only material removed from the stream may be placed back into the stream. Materials originating outside of the stream cannot be sluiced. Any increase in turbidity caused by the activity must settle or dissipate within 40 feet downstream.
    - This category shall not be used to destroy or alter areas of existing wetland or aquatic vegetation.

- Authorizations under this category are limited to the recovery of 1/2 Troy ounce or 15.55 grams of gold per year.
- The applicant must ensure that they remain on the riparian interest area of a streambed in state ownership. (The ownership interest in the stream bed is divided between the owners of opposing stream banks at the thread of the stream.)

2. Along streams where written authorization is obtained from the riparian property owners and meets all of the following:

   - This category applies only where the stream bottom is predominately gravel.
   - Dredging or excavation shall only be done with a shovel in the stream bed and shall not disturb the banks of the stream.
   - The hand-operated sluice box used shall not be larger than 52 inches long, 12 inches wide, and 6.5 inches deep.
   - The use of a powered sluice box or any power operated dredge or equipment of any kind is not included in this category.
   - This category is not applicable in any area of a stream if native mussels are encountered while using a sluice box.
   - No more than 1 sluice box per riparian interest area can be authorized.
   - Sluicing is only allowed between July 1 and August 31.
   - Individual prospecting areas shall be 300 square feet or less per location.
   - Processing extractive chemicals shall not be used.
   - The removed material may not be temporarily or permanently placed in a wetland or floodplain. Only material removed from the stream may be placed back into the stream. Materials originating outside of the stream cannot be sluiced. Any increase in turbidity caused by the activity must settle or dissipate within 40 feet downstream.
   - This category shall not be used to destroy or alter areas of existing wetland or aquatic vegetation.

C. Clear Span Bridge

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

New or replacement clear span bridges that meet all of the following:

- Any abutments or foundations must be placed a minimum of 1.2 times the bankfull width.
- The lowest bottom beam elevation is at or above the natural ground elevations on either bank and spans the entire bankfull width.
- No filling or dredging in the bankfull channel is included in this category, unless approved by the DEQ based on site conditions.
- The structure will allow passage of watercraft that could be expected to navigate the water involved.
- The bridge shall be anchored to prevent floatation during periods of high water.

Bankfull is the width of the stream that corresponds to the depth where water fills a main channel to the point of overflowing. In instances where the applicant is unsure of the bankfull width, it is recommended that the applicant contact DEQ staff and request a preapplication site review. In legally established drains (except those constituting mainstream portions of certain natural watercourses identified in rule), if bankfull indicators are not present, the structure span may be determined by calculating the 1.5-year stream width at the 1.5-year flow that is based on a stable stream width and depth or by applying the regional reference curves in the report “Estimated Bankfull Discharge for Selected Michigan Rivers and Regional Hydraulic Geometry Curves for Estimating Bankfull Characteristics in Southern Michigan Rivers" or other DEQ approved report.

For stream crossing locations where the drainage area is 2 square miles or greater, the crossing must meet one of the following:

1. The applicant must submit, and receive DEQ approval of, a certification by a licensed engineer with supporting hydraulic computations stating that either the replacement structure, including any weir flow, is designed with equal or greater hydraulic capacity that does not cause a harmful interference OR a new structure, including weir flow, is designed to pass the 100-year flood without causing a harmful interference.

2. For replacement bridges:

    - The proposed structure must have an equal or greater hydraulic capacity when compared to the existing bridge.
    - The proposed road grade shall not exceed that of the existing road grade by more than 4 inches, unless the road grade has been shown to be above the 100-year floodplain elevation.

3. For new bridges, the approach fill slopes to natural ground elevations within 10 feet of either side of the structure, unless the fill has been shown to be above the 100-year floodplain elevation.

D. Culvert Cleanout

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Cleanout activities for existing culverts conducted by county drain commissioners, public transportation agencies, their agents, or other governmental agencies that meet all of the following:

- Accumulated sediment and small debris may be removed from within a maximum of 25 feet on either side of the culvert ends to restore a stable stream width and slope.
- Sediments shall be captured to prevent downstream loss of suspended material. When feasible, sufficient materials shall be left to maintain natural bottom materials within the culvert.
- All dredged or excavated materials shall be removed to an identified upland site exclusive of floodplain or wetland areas.
- The culvert cleanout will occur during periods of low flow.
- The culvert cleanout will not occur during any critical fish spawning windows.
- The culvert cleanout will not cause bank or channel failure.

E. Culverts - Small

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

New or replacement culverts that are 6 feet or less in span and 30 feet or less in length that meet all of the following:

- The culvert must be bottomless (3-sided), or if the structure has a bottom then the invert elevation must be buried below the stream bottom 1/6 of the bankfull width up to a maximum buried depth of 1-foot. For streams with a bankfull width of 3 feet or less, the DEQ may determine that burial is not required in non-alluvial channels (e.g., bedrock substrate).
- The culvert spans a minimum of bankfull width.
- The culvert is aligned with the centerline of the stream at both the inlet and outlet ends. Meanders upstream or downstream of the culvert shall not be eliminated.
- For replacements, the existing culvert cannot be perched (i.e., a culvert with an outlet invert elevated above the downstream water surface, allowing a freefall condition).

- The culvert must be placed at a flat slope, unless a steeper slope is approved by the DEQ, or for legally established drains, at an approved design slope. For stream crossings with an approximate slope of 3% or greater, as determined by the DEQ, the structure must be bottomless (or a clear span bridge) to be included in this GP category.
- The placement of riprap shall be limited to the minimum necessary to ensure proper stabilization of the side slopes and fill in the immediate vicinity of the culvert. Riprap shall not extend upstream or downstream of the culvert more than 25 feet on each end. Riprap shall be properly sized based on velocity and consist of natural field stone or rock (broken concrete is not allowed). Natural field stone or rock includes crushed quarry rock. Broken concrete, free of protruding metal, contaminants, and other foreign material, may be allowed in legally established drains, except those constituting mainstream portions of certain natural watercourses identified in rule.

Bankfull is the width of the stream that corresponds to the depth where water fills a main channel to the point of overflowing. In instances were the applicant is unsure of the bankfull width, it is recommended that the applicant contact DEQ staff and request a preapplication site review. In legally established drains (except those constituting mainstream portions of certain natural watercourses identified in rule), if bankfull indicators are not present, the structure span may be determined by calculating the 1.5-year stream width at the 1.5-year flow that is based on a stable stream width and depth or by applying the regional reference curves in the report "Estimated Bankfull Discharge for Selected Michigan Rivers and Regional Hydraulic Geometry Curves for Estimating Bankfull Characteristics in Southern Michigan Rivers" or other DEQ approved report.

For stream crossing locations where the drainage area is 2 square miles or greater, the crossing must meet one of the following:

1. The applicant must submit, and receive DEQ approval of, a certification by a licensed engineer with supporting hydraulic computations stating that either the replacement structure, including any weir flow, is designed with equal or greater hydraulic capacity that does not cause a harmful interference OR a new structure, including weir flow, is designed to pass the 100-year flood without causing a harmful interference.

2. For replacement culverts:

    - The proposed structure must have an equal or greater hydraulic capacity when compared to the existing culvert.
    - The proposed road grade shall not exceed that of the existing road grade by more than 4 inches, unless the road grade has been shown to be above the 100-year floodplain elevation.

3. For new culverts:

    - The fill over the culvert is not more than 1.5 feet.
    - The approach fill slopes to natural ground elevations within 10 feet of either side of the structure, unless the fill has been shown to be above the 100-year floodplain elevation.

F. Dry Fire Hydrant

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Installation of a dry fire hydrant that meets all of the following:

- The intake line will not constitute a navigational or safety hazard. The face of the intake structure shall conform to the bottom contour and not extend into the receiving water to impair navigation or create shoreline pockets capable of trapping debris.
- Dredging in wetlands shall be minimized to the most practicable extent possible. All impacted areas shall be immediately restored to grade. No additional fill materials (other than the line itself) shall be placed in the wetland.

G. Maintenance Dredging on the Great Lakes and Section 10 Waters

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Excavation and removal of accumulated sediment for maintenance of previously dredged areas that meet all the following:

- For Part 301 of the NREPA, this GP includes only Section 10 waters under the federal Rivers and Harbors Act of 1899.
- Dredging shall be limited to a maximum of 500 cubic yards per 5-year period.
- Dredging shall be limited to previously DEQ permitted horizontal footprint area.
- Only 1 permit under this GP category may be authorized on the same parcel of property within any 5-year period.
- If sediment testing is required, testing in accordance with DEQ procedures showing that the material does not contain hazardous substances in excess of inert standards has been provided by the applicant.
- All dredged or excavated materials shall be disposed of in an identified site excluding Great Lakes, Inland Lakes and Streams, or Wetlands.
- This GP category does not include dredging in wetlands.

H. Maintenance of Storm Water Management Facilities: Wetlands

Category applies to: ☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Dredging or filling in wetlands for the maintenance of storm water management facilities that were designed for the primary purpose of storm water detention, retention, and/or treatment, including the maintenance dredging of existing storm water ponds/facilities, detention basins, and retention basins and maintenance of water control structures, outfall structures, and emergency spillways.

To be included in this category, the maintenance activity must meet all of the following:

- The dredging and filling must not cause the loss of greater than 1/2 acre of wetlands.
- Any contaminated materials shall be appropriately handled and disposed.

I. Maintenance: Wetlands

Category applies to: ☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill under Part 303, or of any currently serviceable structure or fill in existence on October 1, 1980, provided that:

- The structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are allowed.
- This GP allows the rehabilitation or replacement of those structures or fills destroyed or damaged by storms, floods, fire, or other discrete events provided the rehabilitation or replacement is commenced, or is under contract to commence, within 12 months of the date of their destruction or damage. In cases of catastrophic events, such as tornadoes, this 12-month limit may be

waived by the DEQ, provided the permittee can demonstrate funding, contract, or other similar delays.

- This GP also allows temporary structures, fills, and work necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations. The areas affected by temporary fills must be revegetated, as appropriate, with plant species that are considered native to Michigan.

J. Minor Permit Revisions and Transfers

Category applies to:
- ☒ *Part 301, Inland Lakes and Streams*
- ☐ *Part 303, Wetlands Protection*
- ☒ *Part 325, Great Lakes Submerged Lands*

Minor revisions, including transfers, of a permit that meet all of the following:

- The project is in compliance with the permit and NREPA.
- If the request is for a transfer of the permit, the request is accompanied by a written agreement between the current and new owners or operators containing a specific date for transfer of responsibility, coverage, and liability under the permit.
- No extension of time is allowed under this category.

For the purposes of this category, a minor revision means a transfer of a permit or a revision that does not increase the overall impact of a project and that is within the scope of the project as described in the original permit. Minor permit revisions for wetlands may be requested under Section 30313b of Part 303.

K. Moist Soil Management for Wildlife

Category applies to:
- ☐ *Part 301, Inland Lakes and Streams*
- ☒ *Part 303, Wetlands Protection*
- ☐ *Part 325, Great Lakes Submerged Lands*

Dredging or filling activities in wetlands and maintenance activities that are associated with moist soil management for wildlife for the purpose of continuing ongoing, site-specific, wildlife management activities where soil manipulation is used to manage habitat and feeding areas for wildlife, that meet all of the following:

- Such activities include, but are not limited to, plowing or discing to impede succession, preparing seed beds, or establishing fire breaks.
- Sufficient riparian areas must be maintained adjacent to all open waterbodies, including streams, to preclude water quality degradation due to erosion and sedimentation.
- This GP category does not allow the construction of new dikes, roads, water control structures, or similar features associated with the management areas.
- The activity must not result in a net loss of aquatic resource functions and services.
- This GP category does not allow the conversion of wetlands to uplands, impoundments, or other open waterbodies.

L. Pipeline Safety Program Designated Time Sensitive Inspections and Repairs

Category applies to:
- ☒ *Part 301, Inland Lakes and Streams*
- ☒ *Part 303, Wetlands Protection*
- ☐ *Part 325, Great Lakes Submerged Lands*

Maintenance and repair of oil and gas pipelines that cross inland lakes, streams, and wetlands, in particular, as required by the provisions of the Pipeline Safety Improvement Act of 2002, that meet all of the following:

- The repair and replacement using the best available construction technologies that are necessary to avoid and minimize impact when considering the wetlands and waters involved. Additional precautions and construction techniques may be necessary in areas of high quality resources.
- Stream crossing shall use dry ditch open trenching, and shall be limited to 50 feet per crossing (bank to bank) and a cumulative total of 200 feet per application.
- Wetland crossings using open trenching shall be limited to total cumulative crossing length of 500 feet per application.
- All pipeline repair and maintenance projects shall follow the relevant and appropriate procedures and best management practices (BMPs) outlined in the Federal Energy Regulatory Commission's "Wetland and Waterbody Construction and Mitigation Procedures," dated January 17, 2003, or an equivalent manual of procedures and BMPs approved in advance by the WRD. Site access and preparation, pipeline repair or installation, and site restoration must be sequenced and carried out in accordance with these procedures and BMPs in order to minimize soil erosion and siltation, the introduction of nonnative and invasive species, drainage of wetlands via the pipeline conduit, and other adverse impacts to aquatic resources. The specific repair procedure that will be used once a pipeline is exposed at a given crossing does not have to be identified in advance of authorization under this GP category as long as such procedures are included in the approved BMP manual. This GP category does not mandate the presence of environmental inspectors at all times, but an inspector must be available to ensure compliance with BMPs.
- Damaged pipeline must be replaced in the same location where it is feasible and prudent to do so, unless it can be demonstrated that relocation of the pipeline will result in an overall reduction of adverse impacts to aquatic resources. Where damaged pipeline must be replaced in a new location, that location must be selected to minimize overall environmental impact of the project.
- Where drilling mud is being used, 2 properly installed rows of silt fencing must be installed around entry/exit points of the bore. A plan for preventing and controlling the loss of drilling mud into any waters of the state must be submitted. The plan should include steps that will be taken to minimize any impacts to any waters of the state caused by an accidental release of drilling mud. Any unintended release of drilling mud shall be immediately reported to WRD staff, and additional drilling shall be discontinued while the material that was released is controlled. Cleanup of drilling mud that impacts water resources, including wetlands, shall be initiated and completed in an expeditious manner.
- When a plowing-in method is used in wetlands, the area must be immediately restored to grade after installation.
- All revegetation of wetland sites must be with plant species that are native to Michigan according to the Floristic Quality Assessment for the State of Michigan.
- The construction of new permanent access roads is not included under this GP category. Where needed, timber construction mats may be authorized under this category.

This GP category does not alter or replace current exemptions, but provides a mechanism for authorization of repairs for pipelines that do not meet the criteria for exempt activities and, in particular, coordinates authorization of pipeline repairs that impact both wetlands and other waterbodies.

M. Public Transportation Projects

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

1. Culvert and Bridge Extensions. The extension of existing bridges or culverts by public transportation agencies that meet all of the following:

   - The total length of the extension does not exceed 24 feet.
   - The end area of the extension must be equal to or greater than the existing structure's end area.
   - Dredging and/or filling are limited to the extent necessary for the bridge/culvert extension.

- The proposed inverts shall be at or below the existing stream bottom.
- The structure will be designed and placed to ensure that any increase in stream erosion or downcutting is prevented.
- The placement of riprap shall be limited to the minimum necessary to ensure proper stabilization of the side slopes and fill in the immediate vicinity of the culvert. Riprap shall not extend upstream or downstream of the culvert more than 25 feet on each end. Riprap shall be properly sized based on velocity and consist of natural field stone or rock unless it is determined by the DEQ that broken concrete can be allowed based on site conditions. Broken concrete, free of protruding metal, contaminants, and other foreign material, may be allowed in legally established drains except those constituting mainstream portions of certain natural watercourses identified in rule.
- The existing culvert is not perched (i.e., a culvert with an outlet invert elevated above the downstream water surface, allowing a freefall condition).

2. Culvert End Sections, Headwalls and Wingwalls. Installation or replacement of culvert end sections, headwalls, and wingwalls by public transportation agencies that meet all the following:

   - The end area of the end section must be equal to or greater than the existing structure's end area and the length of the end section is a maximum of 12 feet.
   - Dredging and/or filling are limited to the minimum necessary.
   - The proposed inverts shall be at or below the existing stream bottom.
   - The structure will be designed and placed to ensure that any increase in stream erosion or downcutting is prevented.
   - The placement of riprap shall be limited to the minimum necessary to ensure proper stabilization of the side slopes and fill in the immediate vicinity of the culvert. Riprap shall not extend upstream or downstream of the culvert more than 20 feet on each end. Riprap shall be properly sized based on velocity and consist of natural field stone or rock unless it is determined by the DEQ that broken concrete can be allowed based on site conditions. Broken concrete, free of protruding metal, contaminants, and other foreign material, may be allowed in legally established drains except those constituting mainstream portions of certain natural watercourses identified in rule.
   - The existing culvert is not perched (i.e., a culvert with an outlet invert elevated above the downstream water surface, allowing a freefall condition).

N. Recreational Facilities: Boardwalks, Platforms, and Walkways

Category applies to:
☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

The following recreational facilities are included in this GP category:

1. Simple elevated or floating structures that are either:

   a. Open pile or floating boardwalks constructed to access wetlands or open water provided that they do not exceed 6 feet in width, except for widening to allow passage of wheel chairs, etc., at 150-foot intervals, and have a maximum cumulative length through wetlands of 500 feet.
   b. Open pile or floating platforms constructed of appropriate nonpolluting materials not to exceed 120 square feet of surface area.

   Roofs or walls are not included in this GP category. Railings may be authorized if proper justification is provided by the applicant, if blockage of animal migration is minimized to the greatest extent possible, and if the railings are determined by the DEQ to be necessary during the review process.

2. Walkways or footpaths that are on public lands or on lands that are owned or managed by nonprofit conservation organizations that meet all of the following:

- The walkway does not exceed 6 feet in base width and 200 feet in cumulative length through wetlands.
- A boardwalk or elevated walkway is not feasible or practical.
- Culverts are required where necessary to provide for the free flow of surface water.
- If in a floodway, the grade elevation change shall not exceed 4 inches.
- The area does not have standing water for any significant period of time.

O. Scientific Measuring Devices

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Devices whose purpose is to measure and record scientific data, such as staff gages, water recording devices, water quality testing and improvement devices, and similar structures. Installation of devices shall avoid and minimize impacts and the site shall be restored upon completion of the project.

P. Soil Borings

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Soil sample borings that meet all of the following:

- The outside diameter of the bore hole does not exceed 8 inches.
- Drilling is carried out either from a bridge or other existing structure, or from a barge anchored on a temporary basis, and is completed within a 48-hour period for each bore hole.
- After completion of drilling, the auger hole is backfilled, as appropriate, and any material remaining on the auger is disposed of in an upland location.
- Written authorization is obtained from any riparian property owners prior to drilling, other than soil borings carried out by or for a public agency within a public right-of-way or under appropriate authority.

Q. Survey Activities

Category applies to: ☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Survey activities, such as core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching, soil surveys, sampling, and historic resources surveys that meet all of the following:

- The area in which the exploratory trench is dug must be restored to its preconstruction grade upon completion of the work. For the purposes of this GP, the term exploratory trenching means mechanical land clearing of the upper soil profile to expose bedrock or substrate for the purpose of mapping or sampling the exposed material.
- The top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench.
- This GP allows the construction of temporary pads, provided the fill does not exceed 25 cubic yards, or the placement of temporary structures and construction mats.
- Dredging, filling, and structures associated with the recovery of historic resources are not included in this GP category.
- Drilling and the discharge of excavated material from test wells for oil and gas exploration are not included in this GP category.
- Fill placed for roads and other similar activities is not included in this GP category.

- This GP category does not include any permanent structures.
- The discharge of drilling mud and cuttings may require a separate National Pollutant Discharge Elimination System permit.

R. Utility Line Activities

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Activities required for the construction, maintenance, repair, and removal of utility lines by directional drilling/jack and bore crossings of wetlands, inland lakes, and streams.

A "utility line" is any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. The term "utility line" does not include activities that drain a water of the State, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

This category includes the installation, maintenance, repair, and removal of utility lines by directional drilling/jack and bore provided there is no change in the preconstruction grade, that meet all the following:

- Crossing locations shall be selected to minimize the impact to the wetlands, inland lakes and streams.
- The outside diameter of the pipe, cable, encasement, etc. shall not exceed 20 inches.
- A minimum of 36 inches of cover will be maintained between the top of the cable or pipe and the soil surface. Access areas (e.g., sealed manhole) may be allowed in wetlands if impacts are avoided and minimized.
- All re-vegetation of wetland sites must be with plant species that are native to Michigan according to the Floristic Quality Assessment for the State of Michigan.
- The construction of new permanent access roads is not included under this GP category.
- There are no limits on the distance of the crossing of wetlands, inland lakes or streams using directional boring or jack and bore methods.
- The entrance and exit locations of the bore shall be located outside of any wetland (unless it is not feasible based on boring distance or method), inland lake and streams, and isolated using double rows of properly installed silt fencing. Any temporary fill for access must meet the Temporary Construction, Access and Dewatering Minor Project Category.
- A plan for preventing and controlling the loss of drilling mud into any waters of the state must be submitted. The plan should include steps that will be taken to minimize any impacts to any waters of the state caused by an accidental release of drilling mud. Any unintended release of drilling mud shall be immediately reported to WRD staff, and additional drilling shall be discontinued while the material that was released is controlled. Cleanup of drilling mud that impacts water resources, including wetlands, shall be initiated and completed in an expeditious manner
- Use of directional drilling/jack and bore should be given particular emphasis in any area that is prone to erosion, on slopes upgradient from coldwater streams, in forested wetland habitat, in high quality wetlands or wetland types that are locally or regionally uncommon.

S. Wetland Habitat Restoration and Enhancement

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

For the purposes of this category:

Restoration is the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or altered wetland. Restoration is either one of the following:

a. Reestablishment is the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to former wetland. Reestablishment results in rebuilding a former wetland and results in a gain in wetland acres.

b. Rehabilitation is the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions of altered wetlands.

Enhancement is the manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for a purpose such as a water quality improvement, flood water retention, or wildlife habitat improvement. Enhancement results in a change in wetland function(s), but does not result in a gain in wetland acres.

Altered wetlands include areas that have been partially or fully drained by ditching, tiling, and/or pumping; or partially or fully filled by direct placement of material or significant sedimentation; or where other land use conversions have resulted in significant alteration of the original character of the site.

Former wetland is an area that once was a wetland but has been modified to the point it no longer has the hydrologic characteristics of a wetland. Former wetlands are not regulated under Part 303.

Dredged or excavated spoils or fill material shall not be located in a floodway or harmfully interfere with flood flows in any streams regulated under Part 31, Water Resources Protection, of the NREPA. Construction of a dike, berm, or embankment that is 6 feet or more in height and that impounds an area of 5 acres or more during a design flood; such activity requires authorization under Part 315 may not be authorized under this category.

Dredging and filling activities below the Ordinary High Water Mark of lakes or streams are not included under this category.

This category includes projects that restore or enhance wetland functions, provided that a project results in net increase of wetland acreage or functions and services and is conducted by or in cooperation with local, state, or federal conservation agencies or nonprofit conservation organizations, and are any of the following:

1. Rehabilitation or enhancement activities in wetlands that have been farmed within the past 5 years that meets the following:

   - Use of soil cultivation equipment (e.g., harrows, discs, or plows) or other earth moving equipment, to reestablish microtopography. Microtopography establishment shall be a maximum of 12 inches above the normal design water elevation, and the area must continue to meet the definition of a wetland under Part 303.
   - Existing drainage structures may be removed or altered (e.g., tile breaks or pump removal) to reduce or eliminate effects of drainage.
   - Wetland fill for dikes, berms, embankments, water control structures, and other structures shall not exceed 2 acres. The purpose of such fill shall be to restore or enhance the hydrological function of the farmed wetland. The 2-acre size limit refers only to the wetland area on which fill is placed and not to the broader disturbance area or restored basin size.

2. Rehabilitation in wetlands documented to be dominated by invasive species (e.g., reed canary grass or Phragmites) for the purpose of invasive species management that meets all of the following:

   - Existing drainage structures may be removed or altered (e.g., tile breaks, pump removal) to restore (to the extent possible) the original or natural wetland hydrology, vegetation, and/or functions of the wetland.
   - Plugs in drains or ditches not meeting the definition of a stream under Part 301 may be authorized under this subcategory if photographs of the plug location are provided and if all impacted parties acknowledge and provide their written authorizations. Wetland fill for dikes,

berms, or embankments associated with the plug shall not exceed 1/3 acre. The purpose of such fill shall be to restore the hydrological function of the wetland.

3. Excavation of shallow water areas for wildlife:

   a. Excavation of shallow water areas for wildlife less than 5 acres in size in a former wetland or upland site and within 500 feet of an inland lake or stream, or

   b. Excavation of shallow water areas for wildlife in wetlands that have been regularly farmed within the past 5 years or in wetlands documented to be dominated by invasive species (e.g., reed canary grass or Phragmites). Each individual excavated area shall not exceed 1.5 acres and the cumulative impact of excavation associated with a project shall not exceed 3 acres.

   For both subcategory a. and b., the excavation must meet the following:

   - At least 50% of the surface area of the excavated area shall have a water depth of no more than 18 inches, and no more than 15% can be deeper than 48 inches.
   - The excavated area shall not be constructed within or physically touching an inland lake or stream.
   - All excavated spoils including organic and inorganic soils, vegetation, and debris shall be placed at an upland site in such a manner as not to erode into any waterbody or wetland, unless this material is used to reestablish microtopography. The establishment of microtopography is allowed within the excavated areas, but any microtopography areas shall be a maximum of 12 inches above the normal design water elevation, and the area must continue to meet the definition of a wetland under Part 303. Excavated topsoil may be placed back into the excavated area to aid in plant establishment.
   - For excavated areas within 500 feet of cold or cold-transitional streams, the applicant must provide written documentation of concurrence on the project from DNR, Fisheries Division.

4. Plugs in drains or ditches not meeting the definition of a stream may be authorized under this subcategory to restore wetland hydrology if photographs of the plug location are provided and if all impacted parties acknowledge and provide their written authorizations.

5. Water level control in wetlands or impoundments for habitat management within areas managed for wildlife that meets all of the following:

   - The drawdown rate shall not exceed 6 inches per day.
   - The drawdown shall not negatively impact downstream habitat or structures.
   - For drawdowns with water discharge to streams, the applicant must provide written documentation of concurrence on the project from DNR, Fisheries Division and Wildlife Division.

6. Wetland restoration and enhancement activities that have been site-reviewed by DEQ under Michigan's interagency Memorandum of Understanding on Wetland Restoration and for which all DEQ comments from the site review have been addressed, that are either:

   a. Excavation of shallow water areas for wildlife in altered wetlands that meets all of the following:

      - At least 50% of the surface area of the excavated area shall have a water depth of no more than 18 inches and no more than 15% can be deeper than 48 inches.
      - The excavated area shall not be constructed within or physically touching an inland lake or stream.
      - The excavated area in wetlands shall not exceed 0.5 acres.
      - All excavated spoils including organic and inorganic soils, vegetation, and debris shall be placed at an upland site in such a manner as not to erode into any waterbody or wetland, unless this material is used to reestablish microtopography. The establishment of microtopography is allowed within the excavated areas, but any microtopography areas shall be a maximum of 12 inches above the normal design water elevation and continue to meet the definition of a wetland under Part 303. Excavated topsoil may be placed back into the excavated area to aid in plant establishment.

- For excavated areas within 500 feet of a cold or cold-transitional stream, the applicant must provide written documentation of concurrence on the project from the DNR, Fisheries Division

  or

b. Rehabilitation and Enhancement of Altered Wetlands. Projects that serve to negate or minimize the negative impacts of historic efforts to drain, fill, or destroy wetlands. Projects authorized under this subcategory include:

- Rehabilitation (to the extent possible) of the original or natural wetland hydrology, vegetation, and/or functions of altered wetlands.
- Enhancement of certain characteristics of a wetland in a manner not consistent with original conditions (e.g., increased hydrology, alteration of vegetation or wetland functions) only in wetlands that are dominated by invasive species (e.g., reed canary grass or Phragmites).

This subcategory does not include conversion of unaltered wetlands to another aquatic use, such as the creation of a pond or impoundment, the alteration of a wetland identified as a rare or unique ecological type, or the conversion of unaltered forested wetlands to another habitat type.

Specific wetland restoration and enhancement activities that may be authorized under this subcategory include:

- Installation and construction of water control structures, dikes, berms, and embankments. Wetland fill for dikes, berms, embankments, and other structures shall not exceed 2 acres. The purpose of such fill shall be to restore the hydrological function of the altered wetland. The 2-acre size limit refers only to the wetland area on which fill is placed and not to the broader disturbance area or restored basin size.
- Existing drainage structures may be removed or altered (e.g., tile breaks, pump removal, etc.) to restore (to the extent possible) the original or natural wetland hydrology, vegetation, and/or functions of the wetland.
- Excavation of accumulated sediment or fill to the original hydric soil surface.

For all activities within this GP category, stumps, trunks and limbs may be placed in wetlands for establishing wildlife habitat structure. This category does not include the conversion of a stream or wetland to another aquatic habitat type (e.g., stream to wetland or vice versa) or uplands. No plugs in streams are included in this category.

T. Snow Road Stream Crossings for Forestry Operations

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Seasonal culverts/structures that are 3 feet or less in span and 30 feet or less in length that meet all of the following:

- The structure must pass normal winter stream flows.
- The structure must be part of a winter snow road for forestry operations.
- The snow road must be part of an ongoing timber harvest.
- The stream crossing shall be constructed after the onset of freeze conditions and the structure and any associated debris must be removed immediately after spring thaw.
- Snow used to construct the crossing shall be clean (i.e., free of dirt, rocks, and soil).
- The crossing may include corduroy (e.g., pulp stringers) over the culvert to ensure stability.
- The stream crossing locations must have a drainage area of 2 square miles or less.

U. Diver-Assisted Hand Removal of Invasive Species

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Diver-assisted hand removal of nonnative invasive species in inland lakes and impoundments in a total area not to exceed 800 square feet per year per for single-family residence that meets the following:

- Nonnative invasive submergent plants shall be pulled by hand. Removal of emergent or native vegetation is not included in this category. Invasive plant species are species that have aggressive growth characteristics and threaten native ecosystems by dominating the normal vegetation of an area (e.g., Eurasian Watermilfoil). Photographs showing the plant(s) to be controlled must be submitted by the applicant. Removal must occur during the growing season when the nonnative invasive species can be properly identified.
- A small hand tool may be used to assist in pulling out the plant and roots.
- Once the plants have been removed by hand, a hose attached to a suction dredge may be used to transport the plants to the water surface for immediate collection. The suction hose shall not be used to remove plants or roots from the bottom sediments or to suction bottom sediments. Dragging of the suction hose on the bottom shall be minimized.
- All plant fragments must be contained and collected. Plants must be disposed of at an upland location.
- A turbidity curtain may be required by the DEQ.

V. Construction and Maintenance of a Path on Great Lakes Bottomlands

Category applies to: ☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Construction and maintenance of a temporary access walkway from the upland on the riparian property directly to the shoreline across swales with standing water on Great Lakes Bottomland lying below the Ordinary High Water Mark and above the water's edge, in areas that are naturally free of vegetation or where all vegetation has been removed and maintained in accordance with the NREPA that meets the following:

- The path does not exceed six feet in bottom width and consists of sand and pebbles obtained from the exposed, nonvegetated bottomlands or from the upland on the riparian property.
- Grading of the pathway such that the natural contours of the land are altered, or placement of a permanent structure such as a boardwalk or dock, is not included in this category.
- Path construction is limited to one walkway per individual private property. Adjoining property owners may share one path under this category, not exceeding 12 feet in bottom width, located to avoid and minimize adverse natural resource impacts. Path construction for public access areas or commercial hotels is limited to one walkway under this category, not exceeding 10 feet in bottom width, for every 200 feet of riparian property frontage. Public access or commercial areas with less than 400 feet of frontage may be authorized under this category to construct one 10-foot wide pathway.

W. Mowing of Invasive Species in the St. Clair Flats

Category applies to: ☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Mowing of invasive or non-native species on Great Lakes Bottomland lying below the Ordinary High-Water Mark (OHWM) as defined in Section 32502 and above the water's edge, in the St. Clair Flats as defined in Section 30305, that meets all of the following:

- The mowing (i.e., mechanical treatment) is part of a vegetation control plan in accordance with recommendations provided by the DEQ. A written description of how the proposed mowing is consistent with recommendations provided by the MDEQ must be provided as part of the application.
- The areas to be mowed are predominantly vegetated by non-native or invasive species (e.g., phragmites, purple loosestrife). "Non-native" species are plants that did not occur in Michigan prior to 1800. "Invasive" species are plants that have aggressive growth characteristics and that threaten native ecosystems by dominating the normal vegetation of an area.
- Photographs showing the plant(s) to be controlled must be submitted by the applicant.

X. Maintenance Dredging on Inland Lakes and Streams

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Excavation and removal of accumulated sediment for maintenance of previously DEQ permitted dredged areas that meet all the following:

- Dredging shall be limited to a maximum of 100 cubic yards per 5-year period.
- Dredging shall be limited to previously DEQ permitted depths and area or controlling depths for ingress/egress, whichever is less.
- Only 1 permit under this GP category may be authorized on the same parcel of property within any 5-year period.
- If sediment testing is required, testing in accordance with DEQ procedures showing that the material does not contain hazardous substances in excess of inert standards has been provided by the applicant.
- All dredged or excavated materials shall be disposed of in an identified site excluding Great Lakes, Inland Lakes and Streams, or Wetlands.
- This GP category does not include dredging in wetlands.

Y. County Drains

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Activities conducted in legally established drains pursuant to the Drain Code for an identified drain project as outlined below. When an application for a project is received by the DEQ under this category, the DEQ shall make a decision on an authorization within 30 days. Authorizations under this category shall be valid until December 31 of the year following the year in which the authorization is granted.

By January 20 of each year, a drain commissioner or drainage board may submit a Request for Coordination that includes a list of known project locations planned for the year, the anticipated date of application submittal for each project location, and an agreement to the terms of this category. The DEQ shall respond by March 1. A separate application must be submitted for each project location a minimum of 30 days prior to the anticipated start date.

Activities in this category shall meet the following:

- Only a drain commissioner or drainage board or the Department of Agriculture and Rural Development on behalf of an Intercounty Drainage Board may apply for an authorization under this category.
- The activities are in a drain that was legally established and constructed pursuant to the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630. Activities undertaken by an individual, agency, or developer that are not part of a drain project conducted pursuant to the drain code are not included in this category.

- Planting and seeding below the OHWM shall be comprised only of species that are considered native to Michigan according to the Floristic Quality Assessment for the State of Michigan.
- Temporary stabilization measures shall be installed before or upon commencement of the authorized activity, and shall be maintained until permanent measures are in place. Permanent measures shall be in place within 5 days of achieving final grade.
- The activities shall not cause damage to property or a threat to life or personal injury.
- This category does not include activities in wetlands.

If at any time it is determined that an activity being conducted or has been conducted under an authorization under this category does not meet the requirements under this category, the drain commissioner or drainage board shall immediately stop any work at the site and submit the following information to the DEQ within 30 days:

- The activities that have occurred, their specific location, photos, and site plans.
- The date the work was undertaken.
- A restoration plan indicating the actions that will be undertaken to bring the site into compliance with the requirements above and a time line for compliance not to exceed 90 days.
- Any other relevant information.

A drain commissioner or drainage board shall not receive a new authorization under this category if significant violations of this category under a previous authorization granted to that drain commissioner or drainage board have not been corrected.

By December 31 of each year, the drain commissioner or drainage board shall submit a report to the DEQ for each drain project that includes activities performed under this permit category during that calendar year that includes the following:

- The name of the drain and the location and nature of the activities performed.
- Plan detail showing the activity authorized under this category and an affidavit signed by a licensed engineer verifying that the licensed engineer reviewed the plans before construction commenced and inspected the work and verified that the activity met all the requirements of this category.
- Photos taken from the same vantage points prior to construction activities and after the work is completed.

After the report has been submitted, the DEQ shall determine the projects that it will site inspect to determine compliance with this category.

A copy of the specifications of this category shall be a part of all authorizations issued under this category.

For the purposes of this category, bankfull is the width of the stream that corresponds to the depth where water fills a main channel to the point of overflowing. In instances where the applicant is unsure of the bankfull width, it is recommended that the applicant contact the DEQ and request a preapplication site review. In legally established drains (except those constituting mainstream portions of certain natural watercourses identified in rule), the bankfull width may be determined by: (1) bankfull indicators in the field, (2) calculating the 1.5-year stream width at the 1.5-year flow that is based on a stable stream width and depth, or (3) by applying the regional reference curves in the report, “Estimated Bankfull Discharge for Selected Michigan Rivers and Regional Hydraulic Geometry Curves for Estimating Bankfull Characteristics in Southern Michigan Rivers," or other DEQ approved report.

The total length of new culverts (enclosures) per drain project under this category shall be less than 300 feet, including end sections. New culvert enclosures shall not exceed 150 feet per mile per project. For the purposes of this category, the portion of the structure that has mitered ends or end sections with no top shall not be considered part of the enclosure length.

1. For Part 301, the following activities may be authorized under this category in legally established and constructed drains pursuant to the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, if performed with BMPs:

a. Clear span bridges: New or replacement clear span bridges that meet all of the following:

- Any abutment foundations or piers must be placed at a minimum of 1.2 times the bankfull width.
- The lowest bottom beam elevation is at or above the natural ground elevations on either bank and spans the entire bankfull width.
- The structure will allow passage of watercraft that could be expected to navigate the water involved.
- The bridge shall be anchored to prevent floatation during periods of high water.
- The placement of riprap shall be limited to the minimum necessary to ensure proper stabilization of the side slopes and fill in the immediate vicinity of the bridge. Riprap placement shall not extend upstream or downstream of the bridge more than 25 feet on each end and shall be a maximum of 25 cubic yards. Riprap shall be properly sized based on velocity and consist of natural field stone or rock. Broken concrete, free of protruding metal, contaminants, and other foreign material, may be allowed in legally established drains except those constituting mainstream portions of certain natural watercourses identified in rule.

b. Short Culverts: New or nonexempt replacement culverts that are 6 feet or less in span and 30 feet or less in length that meet all of the following:

- The culvert must be bottomless (3-sided), or if the structure has a bottom, the invert elevation must be buried/set below the drain design grade 1/6 of the bankfull width up to a maximum buried depth of 1 foot. For streams with a bankfull width of 3 feet or less, burial is not required in non-alluvial channels (e.g., bedrock substrate).
- The culvert spans a minimum of bankfull width.
- The culvert is aligned with the centerline of the stream.
- For replacements, the existing culvert cannot be perched (i.e., a culvert with an outlet invert elevated above the downstream water surface, allowing a freefall condition).
- The culvert must be placed at a flat slope or at an approved design slope of a legally established drain. For stream crossings with an approximate slope of 3% or greater, the structure must be bottomless (or a clear span bridge) to be included in this category.
- The placement of riprap shall be limited to the minimum necessary to ensure proper stabilization of the side slopes and fill in the immediate vicinity of the culvert. Riprap placement shall not extend upstream or downstream of the culvert more than 25 feet on each end and shall be a maximum of 25 cubic yards. Riprap shall be properly sized based on velocity and consist of natural field stone or rock. Broken concrete, free of protruding metal, contaminants, and other foreign material, may be allowed in legally established drains, except those constituting mainstream portions of certain natural watercourses identified in rule.

c. Culvert End Sections, Headwalls, and Wingwalls. Installation or replacement of culvert end sections, headwalls, and wingwalls, that meet all the following:

- The end area of the end section must be equal to or greater than the existing structure's end area and the length of the end section shall be a maximum of 12 feet.
- Dredging and/or filling are limited to the minimum necessary to install the structure.
- The proposed inverts shall be at or below the existing stream bottom.
- The structure shall be designed and placed to ensure that any increase in stream erosion or downcutting is prevented.
- The placement of riprap shall be limited to the minimum necessary to ensure proper stabilization of the side slopes and fill in the immediate vicinity of the culvert. Riprap placement shall not extend upstream or downstream of the culvert more than 25 feet on each end. Total fill, including riprap, shall be a maximum of 25 cubic yards. Riprap shall be properly sized based on velocity and consist of natural field stone or rock. Broken concrete, free of protruding metal, contaminants, and other foreign material, may be allowed in legally established drains except those constituting mainstream portions of certain natural watercourses identified in rule.

- The existing culvert is not perched (i.e., a culvert with an outlet invert elevated above the downstream water surface, allowing a freefall condition).

d. Riprap: Placement of a total of less than 500 linear feet of riprap per drain project for toe protection, spillways, and other preventative measures, that meets all the following:

- Riprap shall be properly sized based on velocity and consist of natural field stone or rock. Broken concrete, free of protruding metal, contaminants, and other foreign material, may be allowed in legally established drains, except those constituting mainstream portions of certain natural watercourses identified in rule.
- Riprap shall be less than 1 cubic yard per linear foot and shall not be used for full lining of the channel.
- The riprap shall be recessed to match bank and bottom grades and shall not impair surface water flow.
- Excavation shall be limited to the amount necessary for erosion protection.

2. For Part 301, the following activities may be authorized under this category in legally established and constructed drains pursuant to the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, if performed with BMPs. This subcategory does not apply to mainstream portions of certain natural watercourses identified in rule.

a. Long Culverts: New or nonexempt replacement structures that are 100 feet or less in length each that meet all of the following:

- The structure must be bottomless (3-sided or a clear span bridge), or if the structure has a bottom, the invert elevation must be buried below the stream bottom 1/6 of the bankfull width up to a maximum buried depth of 2 feet. Alternatively, the bottom of the structure may be buried 6 inches to 1 foot below the drain design grade if the structure bottom is more than 1/6 of the bankfull width (up to a maximum of 2 feet) below the existing stream bottom and if the structure bottom is stabilized with properly sized riprap that does not extend above the design grade elevation.
- Structures shall be set on the same slope as the deepest part of the riffle channel measured from the upstream riffle to a downstream riffle outside of the effects of any existing culvert, or at an approved design slope. For stream crossings with a slope of 3% or greater and more than 3 feet in span, a bottomless (3-sided) structure or clear span bridge is required to meet this category.
- The structure must span a minimum of the bankfull width of the stream.
- For the replacement of a perched culvert (i.e., a culvert with an outlet invert elevated above the downstream water surface, allowing a freefall condition), grade control structures may be required.
- The structure shall be installed to align with the centerline of the stream at both the inlet and outlet ends. If needed, up to 25 feet of the channel at either end can be reshaped to allow for a smooth transition. The bankfull width must be maintained for any reshaped areas. Meanders upstream or downstream of the culvert shall not be eliminated when creating a smooth transition. For new culverts 70 feet in length or longer, the 25 feet of channel at both ends of the culvert shall be improved by at least one of the following methods: (1) the entrenchment ratio shall be improved over the existing condition and be at least 1.4 or greater, (2) a bankfull bench on each bank equal to at least 1/3 the bankfull width shall be constructed, or (3) bioengineered bank stabilization that meets MP 2 shall be installed.
- The structure will allow passage of watercraft that could be expected to navigate the water involved.
- The placement of riprap shall be limited to the minimum necessary to ensure proper stabilization of the side slopes and fill in the immediate vicinity of the culvert. Riprap placement shall not extend upstream or downstream of the culvert more than 25 feet on each end and shall be a maximum of 25 cubic yards. Riprap shall be properly sized based on velocity and consist of natural field stone or rock. Broken concrete, free of protruding metal, contaminants, and other foreign material, may be allowed in legally established drains except those constituting mainstream portions of certain natural watercourses identified in rule.

b. Drain realignments: A drain realignment of up to 300 linear feet per drain project that increases aquatic resource functions and services by meeting all of the following:

- The entrenchment ratio of the drain shall be improved over the existing condition and be at least 1.4 or greater.
- The existing drain runs parallel to the road.
- The realignment is within the existing drain or road right-of-way.
- The realigned drain shall not exceed the depth and bottom width of the existing drain.
- The realigned drain shall retain the same slope and bed features (e.g., riffles and substrate) and consistent length as the existing drain.

c. Installation of vanes and riffles: The installation of cross-vanes, j-hooks, rock vanes, and riffles associated with the restoration, enhancement, and establishment of riparian and stream habitat that are compatible with the dimension, pattern, profile, and bed features of the stream channel, that increases aquatic resource functions and services, and that meets all the following:

- The channel slope/design grade shall not exceed 1%.
- The height of the vane or riffle shall only extend to the bankfull stage elevation. If the bank is higher than the bankfull stage elevation and the drain is entrenched (an entrenchment ratio of less than 1.4), an adequately sized bankfull bench shall be constructed, and the vane or riffle shall be integrated into the bench. For rock vanes and j-hooks, the bench shall be located on the bank nearest the vane arm. For cross-vanes or riffles, the bench must be constructed on both banks. For all structures, the minimum width of each bench shall be equal to 1/3 the bankfull width. The minimum length of the bench shall be equal to 1.5 times the arm length or riffle length, with the upstream end of the bench directly parallel to the invert of the vane or the upstream end of the riffle. If the drain is not entrenched (an entrenchment ratio equal to or greater than 1.4), the bankfull bench may be provided by the existing drain cross-section.
- The invert of each vane (the elevation of the top of the rock located at the most upstream point of the structure) or the crest of the riffle within a series shall be set at an elevation above the bed up to 0.1 times the bankfull depth where bankfull depth is measured at the deepest part of the channel cross-section at a natural riffle or, if no natural riffles are present, the shallowest part of a run. In drains where the bed elevation is being lowered to reestablish the original design grade, the invert of the vane or the crest of the riffle shall be set at an elevation above the bed up to 0.1 times the bankfull depth (as measured preconstruction) above the reestablished bed elevation. This category does not include activities that raise the grade of the stream bed above 0.1 times the bankfull depth.
- All vane structures shall include footers. Riffles shall include footers at the crest of the riffle. For sand bed streams, the minimum footer depth shall be 6 times the protrusion height of the invert rock due to the deeper scour depths that occur. For other streams, the minimum footer depth shall be 3 times the protrusion height of the invert rock.
- All vanes shall be adequately keyed into the bank as to prevent erosion of the bank (i.e., at least 2 footer rocks). Riffles shall be keyed in at the crest of the riffle. Sills on j-hooks may be included if needed based on site conditions.
- Vanes and riffles shall be inspected following significant rainfall events until the streambanks have been stabilized to ensure there is no erosion occurring around the structure. Repairs shall be initiated as soon as possible following inspection.

In addition, vanes shall also meet all of the following:

- All vanes shall be oriented in an upstream direction.
- Multiple vanes in a series shall be spaced so that the downstream structure is not influenced by the effects of the adjacent upstream structure.
- Acceptable vane materials shall be rock, logs, and rootwads, or a combination thereof. Geotextile fabric shall be used to prevent scour under the structure when logs are used or when rocks are used in sand or silt/clay bed channels.

- The width of the vane arm portion of the structure shall occupy 1/3 of the bankfull width of the channel/drain and the invert portion (the “hook”) shall occupy the center 1/3 of the channel/drain.
- The angle of the vane arm portion shall be 20 to 30 degrees, measured upstream from the tangent line where the vane intercepts the bank.
- The slope of the vane extending from the bankfull stage bank shall be between 2 and 10%. For the purpose of this category, vane slope is defined by the ratio of bank height/vane length. The vane length distance shall be measured from the bankfull bank to the intercept with the invert elevation of the streambed at 1/3 of the bankfull channel width.
- The minimum rock size shall be determined by calculating the bankfull shear stress and then multiplying by 1.5, but shall be at least 1 foot in diameter in size.
- This category does not include construction of a scour pool below the structure although one may form through natural stream processes.

In addition, riffles shall also meet all of the following:

- Multiple riffles in a series shall be spaced at a distance that is consistent with the spacing of the existing riffle-pool sequence, or in cases where there is no existing riffle-pool sequence, the riffles shall be spaced a minimum of 5 times the bankfull width apart as measured from riffle crest to riffle crest.
- The slope of the riffle on the upstream side of the riffle crest shall have a 4 to 1 slope. The slope of the riffle on the downstream side of the riffle crest shall have a 20 to 1 slope.
- The cross-section of the riffle downstream of the riffle crest shall be formed in a “V” shape that slopes gently from the bankfull stage elevation to the invert of the riffle (i.e., at the crest of the riffle, the invert is set at the elevation above the bed up to 0.1 times the bankfull depth, and at the downstream end of the riffle, the invert is at the bed elevation).
- The minimum rock size shall be determined by calculating the bankfull shear stress. The void spaces shall be filled with a mix of 1/2-inch to 3-inch diameter rocks. The minimum rock size of the footers shall be determined by calculating the bankfull shear stress and then multiplying by 1.5.

GENERAL CONDITIONS

The following general conditions must be complied with for any authorization under a GP to be issued:

1. Navigation and Riparian Rights: No activity may cause more than a minimal adverse effect on navigation. The activity shall not interfere with the riparian rights or use of the waters by others.
2. Aquatic Life Movements: No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity’s primary purpose is to impound water.
3. Spawning Areas: Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. Migratory Bird Breeding Areas: Activities in waters of the state that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
5. Shellfish Beds: No activity may occur in areas of concentrated native shellfish populations (mussels).
6. Suitable Material: No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or fill must be free from toxic pollutants in toxic amounts.
7. Water Supply Intakes: No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
8. Adverse Effects from Impoundments: If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow, must be minimized to the maximum extent practicable.
9. Management of Water Flows: To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including

stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage off normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Removal of Temporary Fills: Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations within 90 days of initiation of the authorized activity unless otherwise approved by the DEQ. The affected areas must be revegetated and reseeded with species native to Michigan appropriate to the site.
11. Proper Maintenance: Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.
12. Tribal Rights: No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
13. Mitigation: The DEQ will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal: (a) the activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the state to the maximum extent practicable; and (b) mitigation in all its forms (avoiding, minimizing, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.
14. Water Quality: The project must comply with state water quality standards.
15. Coastal Zone Management: The project must comply with the enforceable statutes in Michigan's coastal zone management plan.
16. Case-By-Case Conditions: The activity must comply with conditions that may have been added by the DEQ and with any case-specific conditions added for Section 401 Water Quality Certification or Coastal Zone Management Act consistency determination. Under Part 303, case-by-case conditions may only be imposed after consultation with the applicant or applicant's agent.
17. Use of Multiple GP Categories: The use of more than 1 GP category for a single and complete project is allowed unless it is prohibited within a specific GP category. When using multiple categories, fill can not exceed 0.1 acre or the highest acreage limit.
18. Compliance Certification: Each permittee who receives an authorization under a GP must submit a signed certification regarding the completed work and any required mitigation within 1 week after the completion of the authorized activity. The certification must be mailed to the DEQ with the authorization (permit) number and shall include: (a) a statement that the authorized work was done in accordance with the authorization under the GP, including any general or specific conditions; (b) a statement that any required mitigation was completed in accordance with the permit conditions; and (c) the signature of the permittee certifying the completion of the work and mitigation.
19. Single and Complete Project: The activity must be a single and complete project. The same GP category can not be used more than once for the same single and complete project.

AUTHORIZATION CONDITIONS

The following additional conditions will also apply to all authorizations issued under all GP categories:

A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of an authorization under this permit.
B. The permittee in exercising the authority granted by an authorization under this permit shall not cause unlawful pollution as defined by Part 31.
C. An authorization under this permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
D. All work shall be completed in accordance with the plans and the specifications submitted with the application and/or plans and specifications attached to the authorization.
E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
F. It is made a requirement of an authorization under this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Acts of 1974 and comply with each of the requirements of that act.
G. An authorization under this permit does not convey property rights in either real estate or material; nor does it authorize any injury to private property or invasion of public or private rights; nor does it

waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.

H. An authorization under this permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his or her rights.

I. The permittee shall notify the DEQ within 1 week after the completion of the authorized activity.

J. An authorization under this permit shall not be assigned or transferred without the written approval of the DEQ.

K. Failure to comply with conditions of an authorization under this permit may subject the permittee to revocation of the authorization and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.

L. All dredged or excavated materials shall be disposed of in a non-wetland site.

M. In issuing an authorization under this permit, the DEQ has relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of an authorization, such information and data prove to be false, incomplete, or inaccurate, the DEQ may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.

N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representatives of the permittee, undertaken in connection with this permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.

O. Noncompliance with these terms and conditions, and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, the DEQ may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.

P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from the DEQ. Such revision requests shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by the DEQ prior to being implemented.

Q. An authorization under this permit may be transferred to another person upon written approval of the DEQ. The permittee must submit a written request to the DEQ to transfer the permit to the new owner. The new owner must also submit a written request to accept transfer. The new owner must agree, in writing, to accept all conditions of the authorization. A single letter signed by both parties that includes all of the above information may be provided to the DEQ. The DEQ will review the request and if approved, will provide written notification to the new owner.

R. Prior to initiating construction authorized, the permittee is required to provide a copy of the authorization to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the authorization are held responsible to ensure the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the authorization to all subcontractors doing work authorized by the authorization.

S. Construction must be undertaken and completed during the dry period of the wetland when feasible. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.

T. Authority granted by an authorization does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent.

U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.

V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.

W. Unless specifically stated in an authorization under this permit, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the waterbody are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.

X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the DNR, Fisheries Division.